

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: March 10, 2016

REPORT PREPARATION DATE: March, 2016

APPLICATION TYPE: Sketch Review: amendment to previous DRB approval

APPLICANT/OWNER: Clint Calderwood

DESCRIPTION: Sketch review: conditional use & site plan approval for a 40x108 barn

IDENTIFYING INFORMATION:

LOCATION: 95 Cilley Hill Road

PARCEL NO: CH095

TOTAL ACREAGE: 2.02 acres

ZONING DISTRICT(S): Agriculture

EXISTING USE: Storage business

PROPOSED USE: Additional storage

NOTICE OF PUBLIC WARNING/ ABUTTERS:

Notice of Public Warning published – *Not required*

Notice of Public Warning posted –*Not required*

Onsite posting sent on –*Not required*

Notice of Public Warning sent to abutters and applicants—*Not required*

Agenda Posted –*March 3, 2016*

LOCATION MAP:



Orthographic image of CH095 in relation to Downer Lane, Cilley Hill Road, and Hanley Lane. Parcel is located in top right hand corner with yellow boundaries.

PROJECT OVERVIEW

The applicant has interest in constructing a new barn (40x108) at 95 Cilley Hill Road (2.02 acres). The parcel contains a historic chicken barn on the state historic registry (40x170sqft) and a smaller barn, 60x40sqft). Max lot coverage needs to stay under 30%, or for this lot, about 87,120 sqft. Lot coverage with the new barn would be around 13,560 sqft, or about 1/6 of the property.

This application will amend the original adaptive reuse conditional use approval of the chicken barn. In doing so, the DRB could consider this application as a new conditional use application: warehousing in agricultural district is conditional (table of uses 4.4.4.2), and with over 1,000 new sqft, it requires site plan approval as well (10.10.2.3.). OR, the DRB could see this barn as another principal structure and review the application under 10.13.2.2.

This proposed structure would also house up to 30 motor vehicles, alleviating the violation of motor vehicles that currently exists on the parcel.

PREVIOUS ACTIVITY

January 12, 1999: adaptive reuse site plan *denied* under the Jericho Zoning Board of Adjustment

April 27, 2000: Adaptive reuse *approved* by Jericho Development Review Board

May 10, 2001: Amendment to original adaptive reuse. *Approved* by DRB.

October 23, 2009: Permit application submitted to build addition to chicken barn, *denied* by staff.

August 9, 2012: Violation issued for excess of motor vehicles on lot. No action taken.

March 23, 2014: Smaller 60x40 *permitted* and built behind chicken barn

January 26, 2016: 40x108 barn proposed. Building permit *denied* as DRB approval needed.

DEPARTMENTAL REVIEW AND COMMENTS:

CONDITIONAL USE APPROVAL (§10.9.)

10.9.1. Purpose: Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.

10.9.2. Applicability: Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards. *Site plan review is required based on the square footage of the proposed barn.*

10.9.3. Standards: In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the ACT [§4414(3)(A)]:

10.9.3.1. The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy. *No water or sewer is proposed. Schools will not be impacted. No change in access is proposed-*

applicant will continue to use curb cut off of cilley hill. This storage will have limited impact on traffic. The fire department should be contacted in respect to this project's storage prior to final review. The previous approval in 4/2000 documented concern in storage of flammable plastics. Applicant has stated that this barn will serve to store vehicles, primarily, not Styrofoam as in the previous application.

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) Nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho; *

(b) The proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; and *

(c) The proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located. *

10.9.3.3. Traffic on roads and highways in the vicinity: The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations *Not a significant impact*

10.9.3.4. Bylaws and ordinances then in effect

10.9.3.5. Utilization of renewable energy resources. *None proposed*

10.9.4. Additional Review Standards: The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.9.4.1. All site plan review standards and approval conditions in Section 10.10 *below*

10.9.4.2. The cumulative impact of the proposed conditional use taken together with other conditional uses in the area. *Other conditional uses in the "area" include the current lot, which has conditional use approval for the adaptive reuse. Please review the original approval and amendment attached to these notes*

10.9.4.3. If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations. *No overlay district is impacted here.*

10.9.5. Expiration of Approval:

10.9.5.1. Conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.

10.10. SITE PLAN REVIEW

10.10.1. Applicability: Before the Zoning Administrator may issue a zoning permit for any structure or use of land for which site plan approval is required, approval must be granted by the Development Review Board according to the procedures of Section 10.8. Site plan approval is required for all uses and structures other than those exempted under Section 10.10.2.

10.10.2. Exemptions: The following uses and structures are exempt from site plan review:

10.10.2.1. Agricultural and forestry uses

10.10.2.2. One- and two-family dwellings and accessory buildings there to

10.10.2.3. Uses that satisfy all of the following criteria:

- ♣ Do not require conditional use review
- ♣ Do not require new or expanded parking for five [5] vehicles or more,
- ♣ *Do not involve the construction or expansion of 1,000 square feet of building area or more, and*
- ♣ Do not involve construction, expansion, or substantial alteration of any outside storage or display area.

GENERAL DEVELOPMENT STANDARDS (§10.12.5, §11.1-§11.14)

11.1. Access - Public/Private Roads and Driveways- *no impact proposed*

11.2. Parking/Loading/Circulation- *improvement proposed. Required: 4.0 Industrial Uses .5 per 1,000 sf GFA + 1.0 per employee*

11.4. Lot Layout

11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street: *Read: In the agriculture district, this is a minimum of 35' for both downer land and cilley hill.*

11.5. Grading/Slope/Ridgeline

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.
Tree removal to be minimized as much as possible

11.8. Landscaping 11.8.1. Preservation of Landscape: Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required.

11.8.2. Landscaping Budget Requirement: For all site plans, the Development Review Board **may require** minimum planting costs of up to three percent [3%] of total construction/improvement costs.

11.8.3. Screening and Buffering Requirements: All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Rural Residential, Agriculture or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on

- (a) the location and context of the site,
- (b) the type of use,
- (c) proximity to neighbors, and
- (d) the pattern and extent of existing vegetation (on-site and in the immediate area). In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement.

11.8.4. Street and Shade Trees: In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees.

11.9. Site Layout and Design The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

11.9.2. Rural Residential, Village, and Agriculture and Forestry Districts: Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas. *Design of proposed structure is described in the applicant's statement. The color would be red with white trim, with effort to match the existing barn's roof. The applicant has also included aesthetic details. See renderings in application packet.*

11.10. Outdoor Storage/Display ***

11.10.1. In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: "Front Yard Parking", no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review.

11.10.2. Solid and Hazardous Wastes: No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety.

11.10.3. Motor Vehicles: No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks.

This standard is included based on the current violation on the lot. DRB may want to consider including a condition that requires a remedy of the violation.

11.11. Outdoor Lighting: Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications (see standards listed in 11.11) *Applicant has not proposed exterior lighting specifically*

11.12. Utilities 11.12.1. All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. *Applicant has stated that the proposed barn will have lighting.*

11.12.2. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met.

11.13.2. Erosion and Sediment Control During Construction: 11.13.2.1. At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

11.14. Performance Standards 11.14.1. No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry.

Town of Jericho

Development Review Board HEARING Application

Application #: 2016006Parcel Code: CH095

1. The undersigned hereby applies to appear before the Development Review Board for the following (check one):

☒ Conditional Use Approval☐ Amendment to DRB Approval☐ Zoning Variance☐ Dimensional Waiver☒ Sketch Plan Review☐ Appeal of Administrative Decision☐ Site Plan Review☐ Other _____

Section[s] of Zoning Regulations relating to this application: _____

2. Project InformationDescription: CONDITIONAL USE PERMIT FOR A 108x40' BARNLocation: 95 GILLET HILL RD, JERICHOZoning District(s) in which property is located: AGR COM FOR OS RR VCTR VIL**3. Interested Parties**Applicant Name: CLINTON CALDERWOOD, JAMES BULLIVANTEmail address: CLINT-7@YAHOO.COM Mailing Address: 236 POOR FARM RD, MILTONPhone: 802-734-7592 Applicant's relationship to parcel (check one): ☒ Owner ☐ Option to purchase

Landowner of Record Name (if not applicant): _____

Address/Phone: _____

Professional advisor(s) Give name, address, phone, title:

Professional Engineer _____

Other (specify) _____

Name(s) of current adjacent landowner(s):

SCOT BURT CH091JOHN HESELTON DL011GARY DAVIS CH052TONY LIKHITE DL010Clinton J. Calderwood 2/26/16

Landowner Signature (Date)

Applicant Signature (Date)

FOR OFFICE USE ONLY

Public Hearing(s): Date

DRB Action taken:

3/10/16Fee Paid: \$100.00Application Date: 2/26

Decision Date: _____

Vermont BarnFinds, LLC
95 Cilley Hill Road
Jericho, VT 05465

Owners:

Jamie Bullivant – 165 Cilley Hill Road, Jericho Vermont
Clint Calderwood – 236 Poor Farm Road, Milton Vermont

Date: February 25th, 2016

Attn: Town of Jericho
Town Permitting

Re: Conditional Use Zoning Permit Application – CH95

Please accept this letter and subsequent documentation as our application and permission request for the following proposal.

Project Proposal

We are currently requesting approval to build a new 40x108 Barn for storage purposes on the back/side portion of our 2.02 acre property at 95 Cilley Hill Road. Currently, our property has Adaptive Use Conditional Use permit for the existing 40 x 170 chicken coop building for the use as a storage facility, and will continue to be used accordingly. We would like to apply for a separate conditional use permit for this new structure.

Proposed Structure

The proposed new barn would be a newly constructed building for personal as well as business storage to be built this spring. The main purpose would be to provide additional storage space for owner's equipment and personal items. With this building, we would be able minimize outdoor storage of equipment and other possessions which should result in an overall improvement in aesthetics for our friends and neighbors. This building would match all the requirements for an attractive barn that fits well into an agricultural area. We would use this building to provide additional long term and seasonal storage for cars, trucks, boats, and equipment. We have been providing automotive storage since 2006 when we bought the barn under the conditional use permit obtained by the previous owner Jay Austin on 5/3/2000.

About the Building Use

We store cars, trucks, and boats for the winter season. Seasonal storage for vehicles generates traffic for a few days in the late spring and in the fall. We have no

automotive renters that have access to their vehicles during the storage season. We anticipate storing approximately 30 cars in this new space. We have a number of vehicles and various pieces of equipment which would be placed in the new structure to clean up the property. We currently store approximately 45 cars in the existing old barn. This building would be for the purpose of car, truck and boat storage. It is intended for cold storage, limited access only. Electrical would be run to this structure for the purpose of lighting.

About the new building:

The new building would be 40' wide by 108' long. It would be a high quality steel and wood combination structure manufactured by Worldwide Steel Buildings. The roof would be galvanized to match the existing roof on the old barn. The siding would be red, and the trim would be white. We would pay a premium to get a 4:12 pitch, cupolas, and a 12" overhang all around for aesthetic reasons. We would have a white roll up door in the front, a person door, and divided pane windows to match the character of the existing old barn.

About our Business:

We have been operating a storage business since buying the barn in 2006. Over the past 9 years, we have provided storage for many folks in the Jericho community and surrounding area. This has been a great benefit to many neighborhoods. In addition, we have channeled the income from these rentals toward renewing the buildings and property. While we have more to do aesthetically, we have focused our income on improving infrastructure of the existing building. We have since replaced the existing roof and other exterior improvements to the old barn. The barn has filled up over time with personal items and customer items. We are 100% full and have turned customers away for the last 2 years. We would like to expand our storage operation. This building would fulfill our current long term plans for expansion.

Additional information is attached.

Please provide a review of our proposal and advise us on the appropriate direction to for conditional use permit, and obtaining a building permit.

Thank you for your time, and we look forward to working with you.

Regards,

Clint Calderwood
Jamie Bullivant
Owner

PROJECT PROPOSAL AND INFORMATION

What: Construction of a 4,320 Sq.ft Barn (40' x 108')

Where: 95 Cilley Hill Road, Jericho Vermont 05465

When: Est. Construction Date – April to November of 2016

Property Parcel: CH95

Current Zoning: Agricultural

Ref Documents:

1. Attached drawings
2. Adaptive Use Approval granted by DRB – May 3, 2000 to convert an existing chicken coop barn to a warehouse /storage facility. See Town Records.

Construction Type:

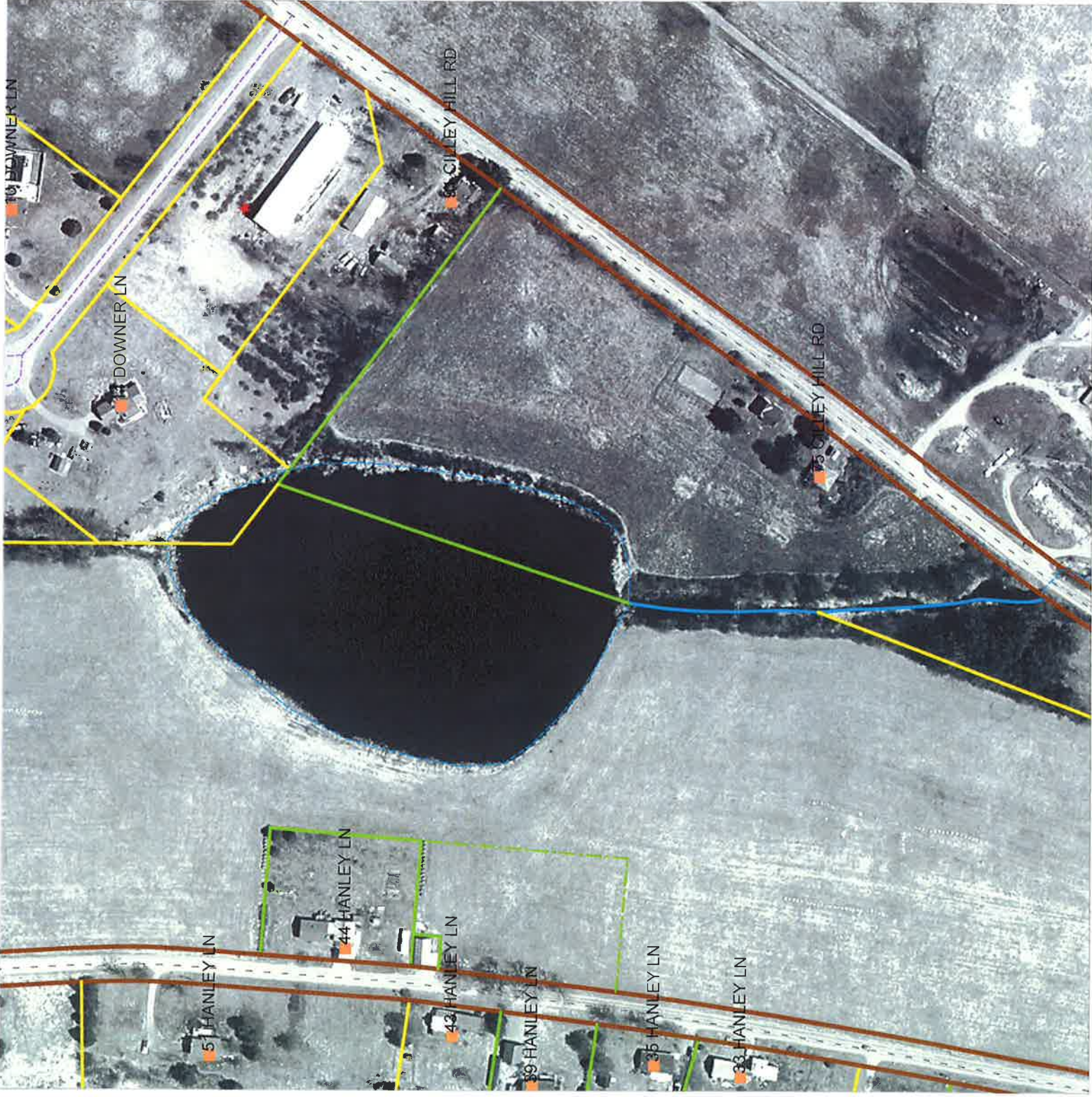
Pending Town approval, we intend to construct a 4,320 Sq.ft pre-fab barn kit of approximate dimensions of 40 feet by 108 feet. The building would be built on a standard –at grade concrete slab. The building would have 14 foot high, and be less than 21 feet at the building peak based on a 4/12 pitch. The building would be mostly steel framed; with red-barn-like steel siding. The building would maintain (1) main garage door on the gable end, (1) garage door facing the existing barn (south), (3) man doors and several standard windows.

Property Location:

The building would sit approximately 40' aside the existing chicken coop building leaving 128 feet of free space to the back of the property line. The building would be backed up to the West property line while maintaining the minimal 25' set back requirements. The location is chosen to minimize any visual exposure to our existing neighbors; while maintaining the best possible use of our land.

Construction Cost:

Construction cost of the project is estimated at \$38,000.

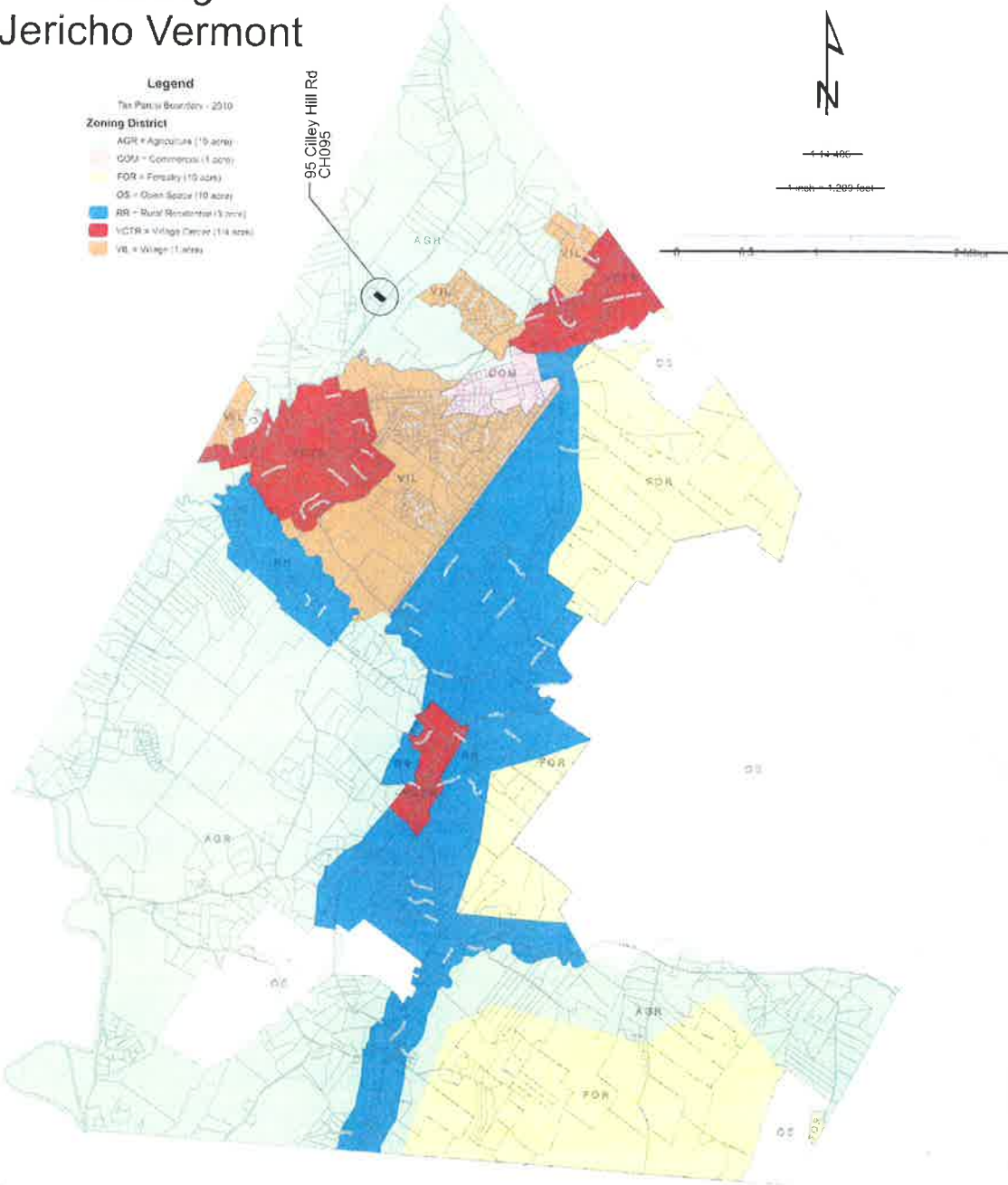




Zoning Jericho Vermont

- Legend**
Tax Parcel Boundary - 2010
- Zoning District**
- AGR - Agriculture (15 acres)
 - COM - Commercial (1 acre)
 - FDR - Forestry (10 acres)
 - OS - Open Space (10 acres)
 - RR - Rural Residential (1/2 acre)
 - VCTR - Village Center (1/4 acre)
 - VB - Village (1 acre)

95 Cilley Hill Rd
CH095



VTBARNFINDS LLC
95 CILLEY HILL RD
JERICO, VT

OWNERS:
JAMES BULLIVANT
CLINTON CALDERWOOD

NEW 108'X40' BUILDING
DATE: 2-22-16
SCALE: NONE
DRAWING NAME: VTBF-1



Imagery ©2016 Google, Map data ©2016 Google 100 ft

VTBARNFINDS LLC

95 CILLEY HILL RD

JERICHO, VT

OWNERS:

JAMES BULLIVANT

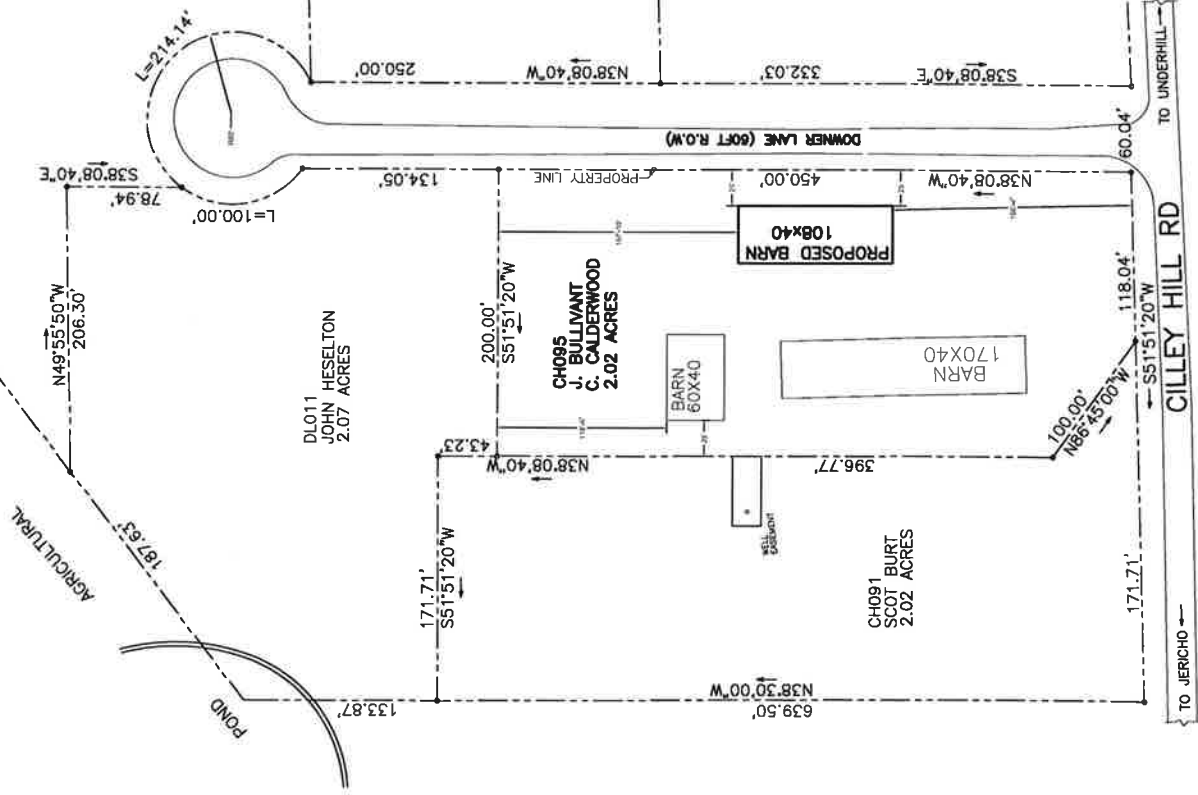
CLINTON CALDERWOOD

NEW 108'X40' BUILDING

DATE: 2-22-16

SCALE: NONE

DRAWING NAME: VTBF-2

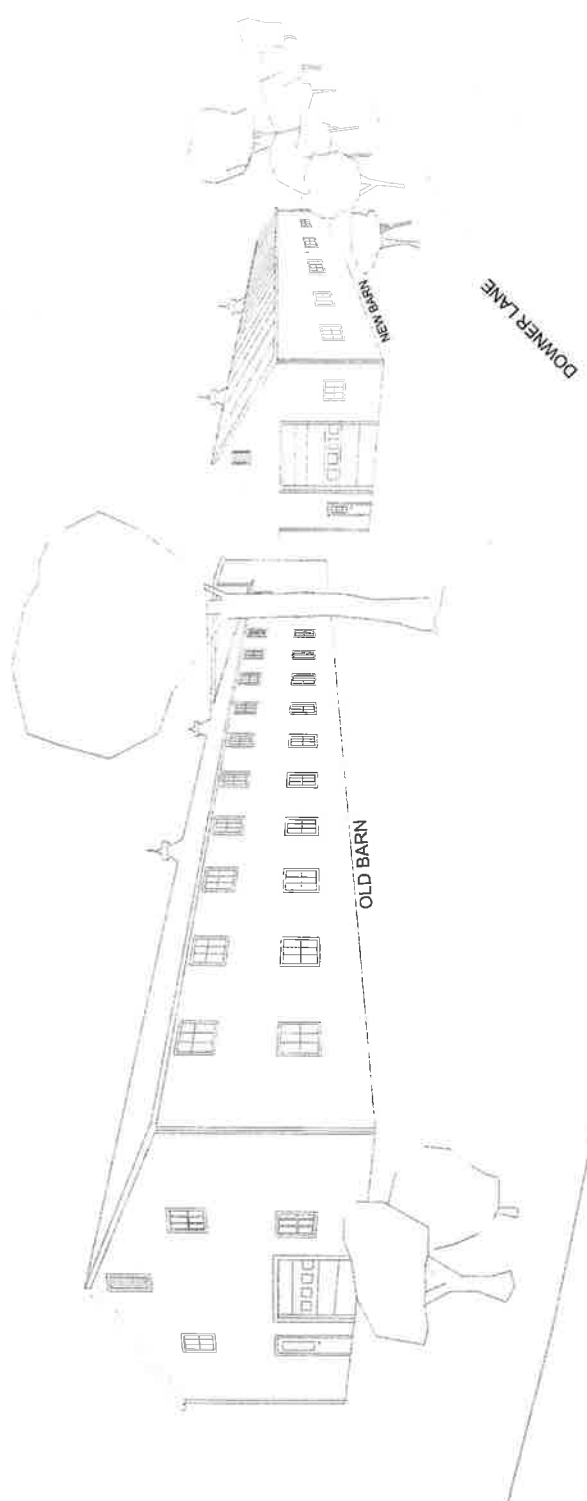


VTBARNFINDS LLC
95 CILLEY HILL RD
JERICHO, VT

NEW 108'X40' BUILDING
DATE: 2-22-16
SCALE: 1/64"=1'-0"
DRAWING NAME: VTBF-3

OWNERS:
JAMES BULLIVANT
CLINTON CALDERWOOD

GARY DAVIS
AGRICULTURAL



VTBARNFINDS LLC

**95 CILLEY HILL RD
JERICHO, VT**

NEW 108'X40' BUILDING
DATE: 2-22-16
SCALE: NONE
DRAWING NAME: VTB-4

OWNERS:
JAMES BULLIVANT
CLINTON CALDERWOOD



BARN LIKENESS

VTBARNFINDS LLC

95 CILLEY HILL RD

JERICHO, VT

OWNERS:

JAMES BULLIVANT

CLINTON CALDERWOOD

NEW 108'X40' BUILDING

DATE:2-22-16

SCALE:NONE

DRAWING NAME: VTBF-5